

A. G. Contract No. KR94 2975TRN
ECS File No.: JPA 94-249
Project: P4494 01P
Section: Bicycle Safety

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE STATE OF ARIZONA

AND

THE CITY OF SOMERTON

THIS AGREEMENT is entered into 14 April, 1995,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and THE
CITY OF SOMERTON, acting by and through its MAYOR and CITY
COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 and 28-112 to enter into this agreement and has
by resolution, a copy of which is attached hereto and made a
part hereof, resolved to enter into this agreement and has
delegated to the undersigned the authority to execute this
agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and authorized
the undersigned to execute this agreement on behalf of the City.

3. The Federal Highway Administration has provided
planning and research (SPR) State administered grant funds for
various safety programs, including, but not limited to, bicycle
safety education and related applications. The State has
evaluated and approved a grant in the amount of \$1,000.00 for
the City.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. <u>19667</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>04/14/95</u>
<u>Jane & Lee Hull</u> Secretary of State
By <u>Vicky Greenwald</u>

II. SCOPE

1. The City will:

a. Invoice the State for grant funds in the amount of \$1,000.00. Be responsible for any program costs over and above the State's grant contribution.

b. Expend grant funds in substantial conformance with the goals and objectives of the grant application provided to the State.

2. The State will:

Within thirty (30) days after receipt and approval of an invoice, pay the City \$1,000.00.

III. MISCELLANEOUS PROVISIONS

1. The only interest of the Department of Transportation in the program is to convey federal pass through funds for the use and benefit of the City by reason of state law under which funds for the program are authorized to be expended. Should the program not be completed, be partially completed, or be completed at a lower cost than the State's grant contribution, or for any other reason should any of these grant funds not be expended, a proportionate amount of the funds provided under this agreement shall be reimbursed to the State. The City agrees to indemnify and save harmless the State, or any of its departments, agencies, officers or employees, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or non-performance by the State of any of the provisions of this agreement.

2. This agreement shall remain in force and effect until completion of said program and payment; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance under this contract, upon thirty (30) days written notice to the other party.

3. This agreement shall become effective upon filing with the Secretary of State.

4. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

5. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

6. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

7. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Somerton
City Manager
110 N. State Avenue
Somerton, AZ 85350

8. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SOMERTON

STATE OF ARIZONA
Department of Transportation

By

Vivian Robinson
VIVIAN ROBINSON
Mayor

By

Harry A. Reed
HARRY A. REED, Director
Transportation Planning
Division

ATTEST

By

Mark Ryan
MARK RYAN
City Clerk

RESOLUTION

BE IT RESOLVED on this 29th day of November 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Transportation Planning Division, to enter into agreements with various political subdivisions and bicycle safety groups for the purpose of promoting bicycle safety and/or training.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted for approval and execution by the Director, Transportation Planning Division.



LARRY S. BONINE
Director

CITY OF SOMERTON
REGULAR MEETING OF THE CITY COUNCIL

7:00 p.m.

MINUTES

Tuesday, February 7, 1995

Members:

V. Robinson, Mayor
L. Moreno, Vice Mayor
S. Martinez
R. Phillips, excused
M. Smith
S. Troccoli
A. Tumbaga

Officers:

E. Castillo, City Manager
M. Figueroa, Judge
T. Hollis, Police Chief
B. Lee, Recreation Director
E. Mendez, Public Works Dir
M. Ryan, Finance Director
J. Plante, City Attorney

Mayor Robinson called the meeting to order at 7:00 p.m.. The Pledge of Allegiance was said in unison, with Enrique Castillo leading the group in prayer. A roll call vote was taken with all members present, except Phillips who had been excused.

3. PETITIONS OR COMMENTS BY THOSE CITIZENS PRESENT

Vice Mayor Reyes announced that as she was moving to Yuma, she would be resigning from her position effective May 16, 1995.

4. EXECUTIVE SESSION4A. DPS Audit Report

1. Gun at party
2. Violent crime by an officer

At 7:40 p.m. A MOTION by Tumbaga to convene to Executive Session was SECONDED by Troccoli and APPROVED 6-0.

5. RECONVENE REGULAR SESSION5A. DPS Audit Report

1. Gun at party
2. Violent crime by an officer

At 9:00 p.m. a MOTION by Tumbaga to resume the Regular Session was SECONDED by Smith and APPROVED 6-0. During the Executive Session it was determined that no action was necessary at this time, there was no gun at a party attended by Somerton Police Officers. Item number 2 - violent crime by an officer - was still being reviewed by staff.

8B. RESOLUTION NO 438

This is a resolution declaring as public record the 1995 amendments to the City Tax Code. A MOTION by Martinez to approve the resolution was SECONDED by Smith and APPROVED 5-0

8C. ORDINANCE NO 220.

This is an ordinance adopting the 1995 amendments to the 1995 City Tax Code. A MOTION by Martinez to adopt Ordinance No. 220 was SECONDED by Smith and APPROVED 5-0.

8D. BUDGETARY ADJUSTMENT

This item concerned an unbudgeted repair of a copier totalling \$2,475.15. A MOTION by Smith to transfer the necessary funds from contingencies was SECONDED by Robinson and APPROVED 5-0.

8E. INTERGOVERNMENTAL AGREEMENT

This is an agreement between the State of Arizona and the City of Somerton providing for grant funds up to \$1,000 in accordance with the promotion of bicycle safety. A MOTION by Tumbaga to approve the agreement was SECONDED by Troccoli and APPROVED 5-0.

8F. CDBG PROCLAMATION

This is a proclamation designating April 10 - 16 as Community Development Block Grant week. A MOTION by Martinez to approve the proclamation was SECONDED by Troccoli and APPROVED 5-0.

8G. CDBG FUNDING FOR FY 95-96

Lee requested the Council to identify future dates to conduct public hearings for the use of CDBG funds. A MOTION by Tumbaga to establish February 28 and March 21, 1995 as the hearing dates was SECONDED by Troccoli and APPROVED 5-0.

8H. HIGHWAY 95 LANDSCAPING CONTRACT

This was a contract agreement between the City of Somerton and the Arizona Department of Transportation. A total of \$28,000 had been budgeted for this project. Mendez requested a release of funds in the amount of \$18,640.91. A MOTION by Martinez authorizing payment of the invoice for \$18,640.91 was SECONDED by Troccoli and APPROVED 5-0.

Mayor

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Somerton City Council held on February 7, 1995.

Dated this 4th day of April, 1995.

Mark Ryan

City Clerk

ATTORNEY APPROVAL

I have reviewed the attached agreement pursuant to A.R.S. 11-952 and declare this agreement to be in proper form and within the powers and authority granted to Somerton City Council under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties to enter into said agreement.

DATED this 10th day of March, 1985.

John Paul Plante



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025

TELECOPIER : 542-4085

GRANT WOODS
ATTORNEY GENERAL

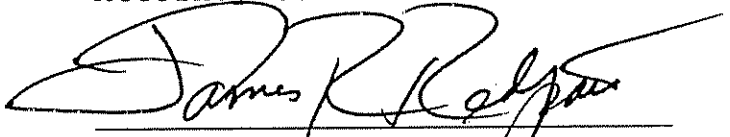
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR94-2975-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 7th day of April, 1995.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
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